



Appl. No. 10/690,431
Amdt. dated May 20, 2005
Reply to Office Action of Feb. 12, 2005

REMARKS/ARGUMENTS

Claims 14-19 are allowed as stated in the Office Action, and claims 21-22 were said to be allowable if rewritten to overcome the rejection(s) under 35 USC 112, 2nd paragraph, set forth in the Office Action.

Claim 20 and its dependent claims 21-22 were rejected under 35 USC 112, second paragraph, as being indefinite for the reasons stated in the Office Action. In particular, it was noted in the Office Action that essential structural elements are missing from the claim.

Claim 20 was rejected under 35 USC 102(b) as anticipated by Morioka et al 4,993,200 on the grounds set forth in the Office Action.

Claim 20 is amended to set forth positively additional structural elements to overcome the rejections under 35 USC 112, second paragraph. Corresponding amendments are made in claims 21-22 to conform claims 21-22 to the amended claim 20.

With respect to the amendment of claim 20, the addition of the additional structural elements are believed to set forth the construction of a film that is planarized, and thereby

distinguish claim 20 from the teachings of Morioka. Accordingly, this amendment is believed to overcome the rejection of claim 20 under 35 USC 102.

Further, with respect to the claim rejections under 35 U.S.C. 112, second paragraph and under 35 (U.S.C 102(b), the following argument is presented to overcome these grounds of rejection.

The present invention relates to a planarized ultra fine particle film forming apparatus for forming an ultra fine particle film from a deposited film of ultra fine particles formed by supplying the ultra fine particles to a substrate.

Therefore in the present invention, two kinds of apparatus are used for two kinds of particles.

One kind of apparatus is the ultra fine particle supply apparatus for ultra fine particles for forming a deposited film on the substrate.

The other kind of apparatus is the spray apparatus 21 for planarizing fine particles 22 to obtain planarizing of the deposited film.

The spray apparatus 21 jets out planarizing fine particles 22 toward the deposited film 2a to grind and to polish the surface of the deposited film 2a, and to form a planarized film 2c. The planarizing fine particles 22 may be blown toward the substrate in a mixed state with the ultra fine particles 7, i.e. same time

with the ultra fine particles 7, or blown toward the substrate by using the spray apparatus 21 separately from the ultra fine particles 7 which are supplied from the nozzle 4.

The amendments to claims 20, 21 and 22 present a description that the apparatus of the present invention has both the ultra fine particle supply apparatus for ultra fine particles for forming a deposited film and the spray apparatus 21 for the planarizing fine particles 22 for planarizing the deposited film, and also the substrate onto which the deposited film is formed.

In contrast with the present invention, cited Morioka relates to a sandblaster system for weathered surface of concrete construction, such as buildings and so forth, having a blaster nozzle for blowing working abrasive and sucking nozzle for removing pollutants generated in the blasting operation. Therefore Morioka doesn't relate to a planarized ultra fine particle film forming apparatus for forming an ultra fine particle film from a deposited film of ultra fine particles formed by supplying the ultra fine particles to a substrate, and doesn't have the ultra fine particle supply apparatus for ultra fine particles for forming a deposited film, the spray apparatus 21 for the planarizing fine particles 22 for planarizing the deposited film and substrate onto which the deposited film is formed of the present invention.

The subject matter added into claim 20 finds support in the present specification on page 6 at lines 2-6, and on page 11 beginning at line 4.

The foregoing amendments were discussed in an interview, the substance of the interview being on a separate sheet entitled Applicant's Interview Summary Record.

In the event there are further issues remaining in any respect the Examiner is respectfully requested to telephone attorney to reach agreement to expedite issuance of this application.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Since the present claims set forth the present invention patentably and distinctly, and are not taught by the cited art either taken alone or in combination, this amendment is believed to place this case in condition for allowance and the Examiner is respectfully requested to reconsider the matter, enter this amendment, and to allow all of the claims in this case.

Respectfully submitted,
Jun Akedo

by: _____

MARTIN A. FARBER
Attorney for Applicant
Registered Representative
Registration No. 22,345

CERTIFICATE OF MAILING UNDER 37 CFR SECTION 1.8(a)

I hereby certify that the accompanying Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patent, PO Box 1450 Alexandria, VA 22313-1450, on May 20, 2005.

Dated: May 20, 2005

Martin A. Farber

866 United Nations Plaza
New York, NY 10017
(212) 758-2878